

### **REMARKS**

Claims 1-87 are now pending in the application. Claims 1, 4, 8, 15, 25, 45, 54, 59, 72, 77 and 79 have been amended. Claims 35, 64, 65 are canceled. Claims 85-87 are new. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

Claims 1-84 are rejected under 35 U.S.C. § 102(b) as being anticipated by Martinotti (U.S. Patent 5,766,175). Martinotti '175 does not disclose an apparatus having both an attachment member and a support member. Instead, it discloses a thin plate or planar structure 20. (Col. 2, ll. 21-22.) The device has a series of holes or apertures 1, 2 and 3 extending therethrough, with the holes arranged in rows and columns. (Col. 2, ll. 25-27.) The holes have different diameters and are arranged in a "honeycomb structure." (Col. 2, ll. 27-29.) The apparatus discloses using the small diameter holes to allow temporary fastening with easily removable nails or thumb tacks 5. (Col. 2, ll. 49-50.) While the Examiner maintains that Martinotti '175 "discloses a reconstruction plate 20 that can comprise numerous shapes including attachment member portions and a support member portion", the Examiner fails to disclose the structure of Martinotti '175 forming the attachment member and the support member.

The Examiner relies on Fig. 8 to argue that the attachment member is manipulated to curve it about an anatomical location but does not identify which portion of the retinaculum 20 is the support member that extends angularly from the attachment member. To clarify the scope of the invention without narrowing the claim thereof applicant has amended claim 1 to indicate that the apparatus has two members, one being an attachment member and the other being a support member. As discussed

previously, Martinotti '175 is a single member bone plate having a plurality of apertures therein.

Claims 1-84 are rejected under 35 U.S.C. § 102(b) as being anticipated by Robioneck (U.S. Patent 5,326,367). Robioneck '367 discloses a prosthesis for cancer damaged hip bones and more particularly a prosthetic pelvis made in two parts. The device is secured to the vertebra 78 and branches of the pubic bone 72 and ischium 74. (Col. 3, ll. 25-30 and ll. 38-40.) It does not as claimed by the applicant; disclose an attachment member and a support member wherein the support member provides support to a posterior aspect of a reconstructed anatomical structure during loading of the reconstructed anatomical structure. In the short, Robioneck '367 is a device used to replace an acetabular socket when the hip bone is incapable of supporting a prosthetic hip socket, it does not provide support to a reconstructed anatomical structure during loading of the reconstructed anatomical structure.

Applicant submits that the pending claims as presented are properly allowable and allowance thereof is respectfully requested. If the Examiner has any questions regarding this amendment or application, the Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-0200.

Respectfully submitted,  
**BURGESS LAW OFFICE, PLLC**  
Attorney for Applicant(s)

Dated: May 7, 2007

By: s/ Joseph G. Burgess  
Joseph G. Burgess  
Reg. No. 33362

P.O. Box 214320  
Auburn Hills, MI 48321-4320  
(248) 364-0200